IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

W.P.(C).No.19942 of 2006(Y)

PETITIONERS:-

1. PONNAPPAN, AGED 59 YEARS,
   S/O. PADMANABHAN, MANAZHATH, VAYALAR PANCHAYATH,
   VAYALAR P.O., CHERTHALA.

2. PRASAD, AGED 49 YEARS,
   S/O. RAGHAVAN, KANDATHIPPARAMBIL,
   MUTTATHIPPARAMBU P.O., CHERTHALA.

3. SREENIVASAN, AGED 42, S/O. BAHULEYAN,
   VADIKATTU, CHERTHALA P.O.

4. ROBIN, AGED 40 YEARS,
   S/O. A.S. GOPALAN, KALOMKOVILAKOM,
   THIRUNELLOORE P.O.

BY ADV. SRI.V.L.SHENOY

RESPONDENTS:-

1. THE CHERTHALA TALUK COCONUT MARKETING
   CO-OPERATIVE SOCIETY LTD.NO.4218, CHERTHALA P.O.,
   REPRESENTED BY ITS MANAGING DIRECTOR.

2. JOINT REGISTRAR OF CO-OPERATIVE SOCIETY, CHERTHALA.

3. THE PRESIDENT,
   THE CHERTHALA TALUK COCONUT MARKERING CO-OPERATIVE
   SOCIETY LTD. NO.4218, CHERTHALA P.O.

R1 & R3 BY ADV.SRI.D.PREM KAMATH
SRI.V.N.SUBHANGAN

R2 BY SENIOR GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - COPY OF RECEIPT NO.119 DT.23.7.1999 ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER FOR RS.35000/-.

EXT.P2 - COPY OF RECEIPT NO.133 DATED 4.8.1999 ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER FOR RS.15000/-.

EXT.P3 - COPY OF UNDERTAKING ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER DATED 23.7.1999.

EXT.P4 - COPY OF RECEIPT NO.120 DATED 26.7.1999 ISSUED BY THE 1ST RESPONDENT TO THE 2ND PETITIONER FOR RS.25,000/-.

EXT.P5 - COPY OF UNDERTAKING DATED 26.7.1999 ISSUED BY THE 1ST RESPONDENT TO 2ND PETITIONER.

EXT.P6 - COPY OF RECEIPT NO.145 DATED 30.8.1999 FOR RS.20000/- ISSUED BY THE 1ST RESPONDENT TO THE 3RD PETITIONER.

EXT.P7 - COPY OF RECEIPT NO.144 DATED 30.8.1999 FOR RS.31/- ISSUED BY THE 1ST RESPONDENT TO 3RD PETITIONER.

EXT.P8 - COPY OF RECEIPT NO.124 DATED 29.7.1999 FOR RS.25,000/- ISSUED BY 1ST RESPONDENT TO 4TH PETITIONER.

EXT.P9 - COPY OF UNDERTAKING DATED 29.7.1999 ISSUED BY THE 1ST RESPONDENT TO 4TH PETITIONER.

EXT.P10 - COPY OF INVITATION DATED 8.6.2005 ISSUED BY THE 1ST RESPONDENT TO 1ST PETITIONER.

EXT.P11 - COPY OF COMPLAINT DATED 7.1.2005 FILED BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P12 - COPY OF COMMUNICATION NO.B-4218/06 DATED 18.1.2006 ISSUED BY ASSISTANT REGISTRAR (GENERAL), CHERTHALA.

EXT.P13 - COPY OF NOTICE NO.PW3.25/06 DATED 7.11.2006 ISSUED BY CHERTHALA MUNICIPALITY TO THE 4TH PETITIONER.

EXT.P14 - COPY OF THE PLAN.

EXT.P15 - COPY OF THE PHOTOGRAPH.

RESPONDENT'S EXHIBITS:-

EXT.R3(a) - OWNERSHIP CERTIFICATE DATED 16.01.2007.

- TRUE COPY -

K.Padmanabhan Nair,J.

W.P.(C).No.19942 of 2006-Y

Dated, this the 19th day of February, 2007

JUDGMENT

The petitioners claim that they have made various advances to the Director Board of the 1st respondent Society for the construction of a building on an agreement that the Society, after construction of the building, will allot rooms to them. It is alleged that now the Society is not honouring the commitment and trying to allot shop rooms to others.

2. The 3rd respondent has filed a counter affidavit and an additional counter affidavit contending that no steps have been taken to allot the rooms to anybody. It is seen that the 1st petitioner has filed Exhibit P11 complaint/representation before the Joint Registrar of Co-operative Societies, Cherthala for a direction to the Society to allot the rooms to him. It is only just and proper that the Joint Registrar considers that request and pass appropriate orders in accordance with law as expeditiously

as possible, at any rate within three weeks from the date of receipt of a copy of this judgment after hearing the petitioners as well as the 1st respondent-Society.

The writ petition is disposed of as indicated above.

K.Padmanabhan Nair
Judge

vku/-